

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

ZANETTA COLLINS,

Plaintiff,

v.

Case No. 6:21-cv-142-JA-EJK

UNITED OF OMAHA LIFE
INSURANCE COMPANY,
STEWARD ROCKLEDGE
HOSPITAL, INC. and NORTH
BREVARD CHILDREN'S
MEDICAL CENTER, P.A.,

Defendants.

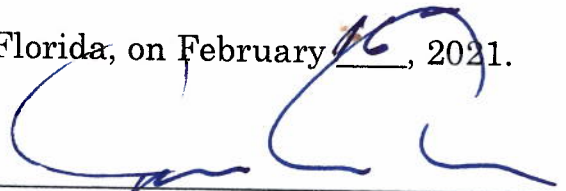
ORDER

Plaintiff has filed two Notices of Voluntary Dismissal (Docs. 13 & 14) purporting to dismiss her claims against North Brevard Children's Medical Center, P.A., and Steward Rockledge Hospital, Inc., respectively. However, in light of Perry v. Schumacher Group of Louisiana, 891 F.3d 954 (11th Cir. 2018), this Court will treat Plaintiff's Notices as requests for leave to amend. See Perry, 891 F.3d at 958 ("It is clear from the text [of Federal Rule of Civil Procedure 41] that only an "*action*" may be dismissed. There is no mention in the Rule of the option to stipulate [to] dismissal of . . . a particular *claim* . . . while leaving a different part of the lawsuit pending before the trial court.") (emphasis in original); see also Berthold Types Ltd. v. Adobe Sys., Inc., 242 F.3d

772, 777 (7th Cir. 2001) (noting that Rule 41(a)(1) “speaks of dismissing ‘an action’—which is to say, the whole case” rather than “of dismissing one claim in a suit”).

So construed, the requests for leave to amend are hereby **GRANTED**. On or before February 26, 2021, Plaintiff may file an amended complaint that omits the claims against North Brevard Children’s Medical Center, P.A., and Steward Rockledge Hospital, Inc.

DONE and ORDERED in Orlando, Florida, on February 26, 2021.



JOHN ANTOON II
United States District Judge

Copies furnished to:
Counsel of Record
Unrepresented Parties